

REMARKS

Applicants respectfully request entry of the instant amendment. The amended claims do not introduce new subject matter, nor do the amendments raise new issues of patentability.

Claims 64-92 are currently pending in the instant application.

Claims 64-67, 69-79 and dependent claims thereof, i.e. claims 80-81, 83-87 and 89-92 have been objected to because the claims recite the abbreviations "MHC" and "HLA-DR". These terms have been replaced by the non-abbreviated terms. Hence, this objection is rendered moot.

Claims 68, 71, 76, 79, 82, 85, 88 and 91-92 have been rejected under 35 U.S.C. 112, first paragraph because the "specification fails to provide support for immunogenic peptide derivatives of tyrosine [sic] as instantly claimed in said claims." Applicants respectfully disagree with this rejection.

As an initial matter, the Examiner has pointed out that applicants only referred to the originally filed claims as providing support for claims 65-93. In addition to these claims, support for claim 68 and dependent claims can be found throughout the instant specification. In particular, pages 12 and 13 describe in detail the types of amino acids which will function at specific positions in the peptides of the instant invention. For example, the first position in the amino acid sequence may be "an aromatic or aliphatic hydrophobic amino acid" (p.12, l. 7-9), whereas the "sixth position may be any hydrophobic amino acid" (p. 12, l. 9-10). The fourth position of the peptide may be "any hydrophobic amino acid or aspartic or glutamic acid" (p. 12,

l. 20-21), the seventh position "may be any polar, charged or aliphatic amino acid" (p.12, l. 22-23) and the ninth position "may be any polar or aliphatic amino acid" (p. 12, l. 27). The amino acids claimed are specifically enumerated on these pages of the specification. The types of amino acids identified for specific amino acid positions are not random or overly broad, but rather, are limited to conserved types of amino acids which have been experimentally proven to produce peptides having similar functional qualities, i.e. the ability to stimulate T cells via the TCR.

However, in order to expedite the prosecution of the instant application, applicants have amended claim 68, which is now directed to a peptide wherein positions 1 and 6 may be varied. The instant specification specifically exemplifies peptide derivatives at these positions (see Example II). In this example, applicants show that amino acids can be substituted at the P1 and P6 positions without compromising T cell recognition. In fact, T cell recognition was dramatically enhanced in peptides containing substitutes where MHC binding was increased. Thus, amended claim 68 is supported by the instant specification and is in condition for allowance. Reconsideration and withdrawal of the rejection is respectfully requested.

Claim 93 has been rejected under 35 U.S.C. §102(e) as being anticipated by either Boon et al or Ostrand-Rosenberg et al. Applicants respectfully disagree with this rejection. However, in order to expedite the prosecution of the instant application, applicants have cancelled this claim, thereby rendering the rejection moot. Reconsideration and withdrawal are respectfully requested.

The instant claims are believed in condition for allowance, and early and favorable action by the Examiner is earnestly solicited. If the Examiner believes that issues may

be resolved by a telephone interview, the Examiner is respectfully urged to telephone the undersigned at (212) 415-8564.

AUTHORIZATION

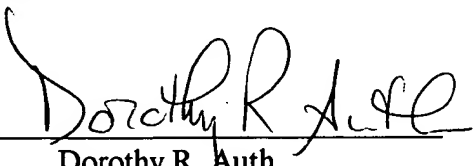
No additional fee is believed to be necessary.

The Commissioner is hereby authorized to charge any additional fees which may be required for this amendment, or credit any overpayment to Deposit Account No. 13-4500, Order No. 2026-4205.

In the event that an extension of time is required, or which may be required in addition to that requested in a petition for an extension of time, the Commissioner is requested to grant a petition for that extension of time which is required to make this response timely and is hereby authorized to charge any fee for such an extension of time or credit any overpayment for an extension of time to Deposit Account No. 13-4500, Order No. 2026-4205. A DUPLICATE OF THIS SHEET IS ATTACHED.

Respectfully submitted,

MORGAN & FINNEGAN, L.L.P.

By 
Dorothy R. Auth
Reg. No. 36,434

Dated: May 21, 1999

MORGAN & FINNEGAN, L.L.P.
345 Park Avenue
New York, N.Y. 10154
(212) 415-8528